

FILED

MAR 24 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff(s),

No. 4-05-70994-WDB

v.

**ORDER COMPELLING
COUNSEL TO COMPLY WITH
GENERAL ORDER 45 AND
OTHER E-FILING
REQUIREMENTS**

Prakash Darke,

Defendant.

**TO ANTHONY W. GIBBS, ESQ., COUNSEL OF RECORD FOR
DEFENDANT:**

1. YOU are hereby ORDERED TO COMPLY with General Order 45 of the U.S. District Court for the Northern District of California and to follow proper procedures for submitting via e-filing stipulations and other documents requiring a signature.

YOU **MUST** comply with General Order 45.VIII which states,

[i]n addition to being filed, proposed orders in cases designated for e-filing shall be lodged with the court by being transmitted by electronic mail to the specific addresses for that purpose which may be found on the ECF web site. [Emphasis added.]

1 Counsel has failed on two occasions to lodge proposed orders by transmitting
2 them to the Undersigned's Proposed Order e-mail address. The Court will not sign
3 any subsequent proposed orders that counsel has failed to lodge by transmitting
4 them to the Undersigned's Proposed Order e-mail address. Moreover, it is
5 counsel's responsibility to comply with all orders from this court. Accordingly,
6 court staff will no longer telephone YOU to notify YOU that YOU have not
7 complied with General Order 45.

8 2. Additionally, counsel has e-filed a stipulation that does not bear the
9 mark "/s/" on the signature line for each stipulating party. See attached document
10 number 7. The e-filed version of a document is the official court record. By
11 affixing the mark "/s/" to a document that YOU e-file YOU ATTEST that YOU
12 have obtained the actual signature of each of the signatories so marked.
13 Documents that require a signature but are e-filed without the "/s/" on the
14 signature line constitute unsigned documents regardless of whether YOU have in
15 YOUR possession a copy of the document containing the actual signatures of the
16 parties. The document is considered unsigned even if YOU deliver a copy of the
17 document bearing the parties' actual signatures to the Court. This is so because
18 that copy is not part of the official court record – only the *e-filed* version is part of
19 the official record.

20 Accordingly, YOU **MUST** affix the mark "/s/" to the signature line of all
21 documents YOU e-file when YOU can attest that YOU have obtained the actual
22 signature of each of the signatories so marked. The Court will not take action in
23 response to any subsequent unsigned documents. Again, it is counsel's
24 responsibility to comply with this order. Court staff will no longer telephone
25 YOU to notify YOU that YOU have not affixed the mark "/s/" to documents that
26 require a signature.


27 //

28 //

1 Future failures by YOU to comply with this Court's orders may result in
2 contempt proceedings.

3 IT IS SO ORDERED.

4 DATED: March 24th 2006



/s/ Wayne D. Brazil

Wayne D. Brazil

United States Magistrate Judge

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6 Copies to:

7 parties of record, (via ecf and hard copy mailed to defendant's attorney
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Attorney for Defendant
PRAKASH DARKE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND BRANCH

UNITED STATES OF AMERICA,

NO. 4-05-70994

Plaintiff,

STIPULATION AND ORDER
TO CONTINUE 3/24/06 HEARING

vs.

PRAKASH DARKE,

Defendant.

The parties request that the preliminary hearing in the above matter set for March 24, 2006 at 10:00 a.m. be continued. This request is made because discovery necessary to further prepare and evaluate the case by counsel is still being reviewed. Both counsel agree to continue the March 24th hearing date. The AUSA has just prepared a preliminary plea agreement and that is being reviewed. The parties request that the March 24, 2006 court date be continued to April 21, 2006 at 10:00 a.m.. Counsel Gibbs, for defendant, will be out of town on both April 7 and April 14. The parties agree to

excluding time under the Speedy Trial Act, 18 U.S.C. Section 3161(b) from March 24, 2006 to April 21, 2006 in order to provide for effective preparation of the case.

IT IS SO STIPULATED:

LEWIS A. DAVIS
Assistant United States Attorney

ANTHONY W. GIBBS
Attorney for Defendant Prakash Darke

ORDER

With the agreement of the parties, the Court enters this order setting the next hearing date to April 21, 2006, at 10:00 a.m. and orders excluding time under the Speedy Trial Act, 18 U.S.C. Section 3161(b) from March 24, 2006 to April 21, 2006.

IT IS SO ORDERED:

DATED _____

WAYNE D. BRAZIL
United States Magistrate Judge